GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVANTS – Registration & Stamps Dept. – Departmental Proceedings initiated against Sri K.Bodenna, former Joint Sub Registrar Grade-II, Registrar Office (Original Branch), Visakhapatnam – Inquiry conducted – Charge proved – Provisionally decide to impose 5% cut in pension for a period of one year besides recovery of Rs.1,02,925/- – Show Cause Notice issued – Charged Officer Sri K.Bodenna, former Joint Sub Registrar Grade-II, Registrar Office (Original Branch), Visakhapatnam expired on 15.05.2021 – Further action abated – Orders – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.1028

Dated:29-11-2022
Read the following:

1. Progs No.E1/101/2009, dated 07-03-2011 of DIG, R&S, Vizianagaram.
2. Explanation dt.06-04-2011 of Sri K.Bodenna, former JSR Gr-II, RO (OB), Visakhapatnam.
3. Progs No.E1/101/2009, dated 13-03-2013 of DIG, R&S, Vizianagaram.
4. Lr.No.E1/189/2012, dt.14-02-2013 of DR, Srikakualm (Inquiry Report).
5. Lr.No.E1/101/2011, dated 18-02-2017 of DIG, R&S, Vizianagaram.
6. From D&IG, R&S, VJY, Lr.No.X2/925/2012, dated 02-03-2017.
7. Government Memo No.506442/Vig.II(1)/2017-1, dated 07-03-2017.
8. From D&IG, R&S, VJY, Lr.No.X1/925/2012, dated 12-09-2017 with Lr. No.E1/101/2011, dated 28-03-2017 of DIG, R&S, Vizianagaram.
9. Government Memo No.506442/Vig.II(1)/2017-6, dated 13-10-2017.
10. Explanation dt.09-02-2018 of Sri K.Bodenna, former JSR Gr-II (Retd.).
11. Government Memo No.506442/Vig.II(1)/2017-6, dated 10-12-2018.
12. From D&IG, R&S, VJY, Lr.No.X1/925/2012, dated 19-02-2019.
13. From the C&IG, R&S Letter No. X1/925/2012, dated 25-10-2022.

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O R D E R:

Whereas, in the proceedings 1st read above, the Deputy Inspector General, Registration and Stamps, Vizianagaram has initiated departmental proceedings against Sri K. Bodenna, Sub-Registrar, for the irregularity committed by him while working as Joint Sub Registrar Grade-II, Registrar Office (Original Branch), Visakhapatnam in registering certain documents with under-valuation and thereby causing Revenue loss of Rs.2,34,210/- to the Government, by framing the following charge:-

Charge: CO while working as JSR-II at DR Office (OB), Visakhapatnam during 2006-07 perfunctorily registered the following documents without proper scrutiny and caused huge loss of Revenue to a tune of Rs.2,34,210/- to State exchequer.

(P.T.O)

Sl.	Document No.	Nature of document	Revenue loss caused
1	2	3	4 (Rs.)
1	6089/2006	Sale Deed	26,600-00
2	843/2007	Sale Deed	32,300-00
3	896/2007	Sale Deed	32,300
4	4107/2007	Sale Deed	5,520
5	1565/2007	Sale Deed	30,400
6	3275/2006	Sale Deed	4,165
7	576/2007	Lease deed	1,02,925

2. The Charged Officer has submitted his Written Statement of Defence vide his representation 2nd read above and in the meantime the Charged Officer had retired from service on 30-04-2012 on superannuation. The Deputy Inspector General, Registration & Stamps, Vizianagaram, after examining the Written Statement of Deference submitted by the Charged Officer, has appointed the District Registrar, Srikakulam as Inquiry Authority vide proceedings 3rd read above. The Inquiry Authority while submitting the Inquiry Report vide letter 4th read above have held that the article of charge framed against the Charged Officer is not proved. The Director & Inspector General, Registration & Stamps, Andhra Pradesh, has submitted the enquiry report submitted by the Deputy Inspector General, Registration & Stamps, Vizianagaram and disciplinary authority along with the record to the Government for taking necessary further action in the matter, vide letter 6th read above.

3. Government after examining the matter have observed that the Deputy Inspector General, Registration & Stamps, Vizianagaram and disciplinary authority has agreed with the findings of Inquiry Authority in respect of document Nos.6089/2006, 843/2007, 896/2007, 4107/2007 and 1565/2007 and disagreed with the findings of Inquiry Authority in respect of Document No.576/2007.

4. Therefore, Government after examining the matter with the report submitted by the Director & Inspector General, Registration & Stamps, Andhra Pradesh, vide letter 8th read above, have communicated a copy of the Inquiry Report along with the following disagreement factor in respect of the document No.576/2007, to the Sri K. Bodenna, Sub-Registrar (Retd.), directing him to submit his representation if any within 15 days, vide Govt. Memo 9th read above:-

<u>Disagreement factors in respect of Doc.No.576/2007:</u>

The DR (MV &Audit), Visakhapatnam pointed out that the subject document is a deed of Lease for 50 years from 01-02-2007 to 31-01-2057 @ Rs.3,600/- per annum in respect of site to an extent of 77 Sq.Yds., undivided and unspecified share together with open terrace measuring 805 Sq.Ft above the 1st floor and the market value of the leased property was worked out to Rs.20,94,500/- and pointed out that the leased

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property purports to be a period of excess of 30 years is leviable with a stamp duty @ 5% on the Market Value of the property or ten times of Average Annual Rental Value whichever is higher and thus it was chargeable with stamp duty of Rs.1,04,725/- and leviable with registration fee of Rs.180/-. But the stamp duty Rs.1,800/- was collected and registration fee levied is Rs.200/- and thus, there is a deficit stamp duty of Rs.1,02,925/-.

5. Sri K. Bodenna, Sub-Registrar (Retd.), vide his explanation 10th read above, has stated that the Government while communicating the disagreement factor has relied on the remarks of Deputy Inspector General, Registration & Stamps, Vizianagaram who framed the charge based on the final orders of the Internal Audit Report; that the Inquiry Authority after detailed analysis has concluded that the charge as not proved; that Section 41A of Indian Stamps Act, 1986 provides for recovery of deficit stamp duty in cases where instruments were registered with insufficient stamp duty on or after 16-08-1986 especially detected during inspections and audits; that all District Registrars and District Registrars (Audit) were appointed as Collectors under the said Section vide CSS & LR No.U3/1509/86 published in AP Gazettee Part – II Extra Ordinary No.186-A; that in the instant case, the deficit duty was pointed out by the District Registrar (Audit) through H.M.Slip No.30/2007-07, dated 09-03-2007 and; that the final review has been issued on 24-07-2008 after one year the deficit was pointed out and later there is no persuasion and finally requested to take a lenient view.

6. Government after examining the representation submitted by Sri K.Bodenna, former Joint Sub Registrar Grade-II, Registrar Office (Original Branch), Visakhapatnam (now retired) has provisionally decided to impose a penalty of 5% cut in pension for a period of one year besides recovery of Rs.1,02,925/-, the loss caused to the Government exchequer and directed to submit his representation to the Government, if any, as to why a punishment of 5% cut in pension for a period of one year, shall not be imposed against him, besides recovery of Rs.1,02,925/- within 15 days from the date of receipt of the memo.

7. The Commissioner & Inspector General, Registration & Stamps, AP, Vijayawada, vide his letter 13th read above, has stated that Sri.K.Bodenna, Sub Registrar (Retd.) expired on 15.05.2021 and requested to issue abatement orders under Rule 9 of AP Revised Pension Rules, 1980.

8. Government after examining the matter have decided and accordingly, hereby abate further action against Sri.K.Bodenna, Sub Registrar (Retd.), who expired on 15.05.2021, duly recovering the loss of Rs.1,02,925/- caused to the Government exchequer, from his terminal benefits, under rule 9(7) of AP Revised Pension Rules, 1980.

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9. The Commissioner & Inspector General, Registration & Stamps, AP, Vijayawada is therefore requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The legal heir of late Sri K.Bodenna, Joint Sub Registrar Grade-II, Registrar Office (Original Branch), Visakhapatnam (through the Commissioner & Inspector General, Registration & Stamps, Andhra Pradesh, Vijayawada)
The Commissioner & Inspector General, Registration & Stamps, Andhra Pradesh, Vijayawada.
Copy to:
The Secretary to Vigilance Commissioner, APVC, Secretariat, Velagapudi.
The Deputy Inspector General, Registration & Stamps, Vizianagaram.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER